

**MINUTES OF
FAUQUIER COUNTY PLANNING COMMISSION
JULY 28, 2005**

The Fauquier County Planning Commission held its regular meeting on Thursday, July 28, 2005, beginning at 4:00 P.M. in the 2nd Floor Conference Room of the Warren Green Building, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Mr. Todd Benson, Mr. Kevin Burke, Ms. Holly Meade and Mrs. Rebecca Kauffman.

1. **APPROVAL OF MINUTES** – June 30, 2005

Mr. Robison stated page 11 of the June 30, 2005 minutes should be amended to read, “Mr. Robison, seconded by Mr. Stone, moved to affirm **that areas not served by public sewer** in the Service District shall not be given an exemption from the two hundred (200) percent reserve requirement on the private septic systems.”

Mr. Trumbo, seconded by Mrs. McCarty, moved to approve the June 30, 2005 minutes, as amended.

The motion carried unanimously.

2. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES AND THE DESIGN STANDARDS MANUAL**

- a. Initiation of a Zoning Ordinance Text Amendment to add a 200-foot set back requirement from 500kV power lines.

Mr. Benson reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

For the purposes of convenience and good zoning practices, Mr. Meadows, seconded by Mr. Stone, moved to initiate a Zoning Ordinance Text Amendment to add a 200-foot set back requirement from 500kV power lines, and to schedule a public hearing for the Planning Commission’s August meeting.

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to create a new Subsection 46 to Section 12-501 requiring submission of a Type 1 Soil Report or a Preliminary Soil Report as part of all Major Site Plans and to more clearly define Major vs. Minor Site Plan.

Mr. Benson reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Stone, seconded by Mr. Robison, moved to postpone action for 30 days to allow Staff time to more clearly define the differences between Major and Minor Site Plans.

The motion carried unanimously.

3. **PRELIMINARY PLATS**

- a. **#PPLT05-SC-022 – D.R. Horton, owner and applicant – Ambler Vale – Lot 7** applicant wishes to subdivide approximately 5.23 acres into two (2) lots. The property is located on the east side of Gray’s Mill Road (Route 674), Scott District. (PIN #7905-28-8368-000)

Ms. Meade reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Trumbo, seconded by Mr. Stone, moved to approve subject to the following conditions.

1. The Final Plat shall be in general conformance with the Preliminary Plat entitled "Ambler Vale Subdivision (Lot 7)" dated February 23, 2005, signed by Robert L. Sporles on June 7, 2005 and received in the Planning Office on June 10, 2005, except as modified by these conditions. This approval is for a maximum of two (2) residential lots. The following items shall be addressed prior to scheduling the Preliminary Plat for Board of Supervisors’ action:
 - a. The vicinity map shall be corrected; it currently shows two streets named Ambler Court.
 - b. The plat shall be corrected to reflect the street name of Ambler Drive in the adjoining subdivision.
2. The County recommends that no below grade basements be constructed on soils with high water table due to wetness unless the foundation drainage system of the structure is designed by a licensed professional engineer to assure a dry basement and preclude wet yards and recirculation of pumped or collected water. Unless, in the opinion of the County Engineer, the topography of the lot in relation to the overlot-grading plan precludes grading the site to drain the basement to daylight, all basements shall be designed to gravity daylight without assistance from mechanical means. All discharged water (mechanical or gravity) must be conveyed to the subdivision stormwater collection system and discharged through the stormwater management facilities. Drainage easements, where necessary, shall be placed on the final plat. A note shall be placed on the final plat stating,

“Basements are not recommended in mapping unit 16B. A basement in this mapping unit is subject to flooding due to high seasonal water tables. Sump systems may run continuously, leading to possible premature pump failure.”

3. Driveway culverts shall be designed to pass the 10-year storm.
4. Access shall be provided to the well lot.
5. The plan and plat shall reference that no access shall be allowed to Ambler Vale Drive (Private Street).
6. Entrances shall be constructed in accordance with PE-1 standard with minimum 15” x 30’ culvert pipe.
7. The house on Lot 7R shall be relocated outside of soil map unit 48B.
8. Verification as to whether wetlands are present and acquisition of any necessary permits shall be required prior to final construction plan approval due to soils type 16B, which is characterized as having hydric inclusions.
9. Map units 48B and 440C shall be added to the Interpretive Guide sections along with labeling the version used. Use the most up to date version of the Interpretive Guide.

The motion carried unanimously.

- b. **#PPLT05-LE-027 – Marvin E. and Aletha B. Spittle, owners and Kerr Contracting Corporation, applicant – Jackson Chase** – applicant wishes to subdivide approximately 22.5 acres into six (6) lots. The property is located on the west side of Marsh Road (Route 17) north of its intersection with Stribling Drive, Lee District. (PIN #7816-52-2854-000 and 7816-52-3426-000)

Ms. Meade reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Meadows, seconded by Mr. Stone, moved to postpone action for 30 days, at the request of the applicant.

The motion carried unanimously.

4. a. **BOARD OF ZONING APPEALS AGENDA**

Mr. Robison asked for clarification as to whether Item #8 was a continuance or a new item.

Mr. Benson replied it is a new item. He stated the applicant is seeking an additional permit for more after-game events on different nights.

b. **TRANSPORTATION COMMITTEE AGENDA**

No comments.

There being no further business, the meeting was adjourned.

The Fauquier County Planning Commission held its Public Hearing on Thursday, July 28, 2005, beginning at 7:00 P.M. at the Warren Green Meeting Room, 10 Hotel Street, Warrenton, Virginia. Those members present were Mr. Jim Stone, Chairman; Mrs. Ann McCarty, Vice Chairman; Mr. John Meadows, Secretary; Mr. Richard Robison; and Mr. Holder Trumbo. Also present at the meeting were Mr. Rick Carr, Mr. Kevin Burke, Mr. Todd Benson, Mr. Jim Sawyer, Mr. B.J. Valentine and Mrs. Rebecca Kauffman.

5. **THE PLEDGE OF ALLEGIANCE**

6. **ANNOUNCEMENTS**

7. **CITIZENS' TIME**

No one spoke.

8. **A resolution establishing an expansive soil testing policy for Fauquier County, in compliance with the Virginia Uniform Statewide Building Code**

Mr. Benson reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Sawyer further explained the proposed resolution.

Mr. Stone opened the public hearing.

In that there were no speakers, Mr. Stone closed the public hearing.

Mr. Stone, seconded by Mrs. McCarty, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

9. **PROPOSED TEXT AMENDMENTS TO THE ZONING AND SUBDIVISION ORDINANCES AND THE DESIGN STANDARDS MANUAL**

- a. Zoning Ordinance Text Amendment to Section 8-1401 to permit additional identification signs in Conservation, Agriculture, Village, Residential and Mobile Home Zones

Mr. Benson reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Stone opened the public hearing.

In that there were no speakers, Mr. Stone closed the public hearing.

Mr. Meadows, seconded by Mr. Trumbo, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

- b. Zoning Ordinance Text Amendment to Section 5-001 to permit the approval of a use normally only permitted by Special Permit to be authorized with a companion Special Exception approval

Mr. Benson reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Stone opened the public hearing.

In that there were no speakers, Mr. Stone closed the public hearing.

Mr. Stone, seconded by Mrs. McCarty, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

- c. Zoning Ordinance Text Amendment to add a new Section 2-308.1 to permit Boundary Line Adjustments between parcels zoned Rural Agriculture or Rural Conservation without a reduction in density

Mr. Burke reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Stone opened the public hearing.

In that there were no speakers, Mr. Stone closed the public hearing.

Mr. Stone, seconded by Mr. Meadows, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

- d. Zoning Ordinance Text Amendment to Sections 2-512, 6-102 and 6-105 to establish density, housing, maintenance, and set back standards for livestock on parcels smaller than five acres and to permit livestock on lots .9 acres or greater

Mr. Benson reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Stoned opened the public hearing.

Mr. Steve Thrash, Scott District, stated he moved to Fauquier County to enjoy the rural lifestyle. He said he owns approximately 2.5 acres, but unfortunately, this has not been enough land to meet set backs required to house livestock. He concluded this text amendment is welcome in that it would allow him opportunity to house livestock on his property.

Mr. Wayne Preston, Lee District, presented the Planning Commission with photographs showing the problems that can arise when one keeps numerous animals on small parcels of land. He said it ruins ground cover and thus should not be allowed. He agreed children should be allowed pets but suggested they have non-nuisance pets, such as guinea pigs, in residential subdivisions. Mr. Preston concluded that livestock should not be housed on Residential-2 (R-2) parcels as it can be ruinous to neighboring property values.

Mr. Meadows asked Mr. Preston if he is a resident of the Lee District.

Mr. Preston stated he is a former resident as he was forced to move because he could no longer tolerate the animal nuisances in his neighborhood.

Ms. Terri Polly, of Remington, stated her neighbor's chickens are not an issue, as the area is very well-maintained. She claimed that the dogs on Mr. Preston's property are more of a nuisance with their incessant barking. She noted raising chickens teaches children responsibility.

Ms. Esther Finou, Lucky Hill Road resident, stated she has no problem with the livestock on the Slaustas' property. She added that Mr. Preston always complains about his neighbors, while the dogs on his property are constantly barking; and further, his yard is an eyesore.

Ms. Tammy Slaustas, Lee District, stated she understands Mr. Preston's concerns and explained she is not trying to break any laws by housing chickens on her property. She said she did not know about the County's

regulations, and since she is not in a subdivision and is not bound by a Homeowners' Association, she was unaware that this is a problem. She added she did not know there was an issue until Mr. Preston moved out and she received a letter from the County. She promised to follow all regulations and expressed her support for the text amendment.

Mr. Meadows asked Ms. Slaustas what animals, specifically, are housed on her property.

Ms. Slaustas replied there are fifteen (15) small chickens, sixteen (16) regular-sized chickens, one (1) goat, a gobbler and a hen.

Mr. Meadows clarified that the headcount is thirty-five (35).

In that there were no further speakers, Mr. Stone closed the public hearing.

Mr. Trumbo commented the motion, as written, is about land use. He continued it was designed to allow for the reasonable use of property and proper housing for animals. Mr. Trumbo added this does not exempt neighbors from controlling nuisance animals and maintaining adequate ground cover on their properties. He said what is before the Commission tonight is a neighbor dispute, but the vote must be based on the text amendment, which is written to allow for reasonable use of property.

Mr. Trumbo, seconded by Mr. Meadows, moved to forward to the Board of Supervisors with a recommendation of approval.

Mr. Meadows stated this is about land use. He commented this text amendment has several steps, and he hopes the people (both parties) in attendance tonight understand the steps. He said permits will be required as well as grass and ground cover. He concluded children should be allowed pets, and this text amendment allows for sensible land use.

Mr. Stone stated Staff and the Commissioners have worked on this text amendment for four (4) to five (5) months in order to see that it meets the needs of everyone in the County. He noted it is most important for neighbors to have consideration for one another. Mr. Stone stated this amendment strikes a balance between allowing for animals while requiring appropriate maintenance of the land.

Mr. Meadows asked Mr. Benson if Ms. Slaustas meets the ordinance with 35 (head-count) livestock.

Mr. Benson stated he would have to do the research and respond later.

Mr. Stone noted this affects thousands of parcels.

Mr. Meadows agreed this will have impact countywide.

Mr. Trumbo added the Board of Zoning Appeals will certainly do site visits before issuing permits.

The motion carried unanimously.

- e. Zoning Ordinance Text Amendment to Section 2-309 to require a portion of Open Space to be utilized for a 100-foot buffer adjacent to parcels zoned Rural Agriculture (RA), Rural Conservation (RC) and Village (V).

Mr. Benson reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Stone opened the public hearing.

In that there were no speakers, Mr. Stone closed the public hearing.

Mr. Stone, seconded by Mr. Meadows, moved to forward to the Board of Supervisors with a recommendation of approval, as amended with the addition of the word “common” in the first paragraph.

The motion carried unanimously.

- f. Recommended adoption of proposed Fauquier County Design Standards Manual – Chapters 1 (General Provisions), 2 (Stormwater Management) and 8 (Bonding and Surety)

Mr. Carr reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Stone thanked those who have worked so diligently to put this document together.

Mr. Stone opened the public hearing.

In that there were no speakers, Mr. Stone closed the public hearing.

Mr. Stone, seconded by Mr. Trumbo, moved to forward to the Board of Supervisors with a recommendation of approval.

The motion carried unanimously.

10. **REZONINGS**

- **#REZN05-MA-017 – Valley Drilling Corporation of Virginia, owner and applicant – Valley Drilling** – applicant wishes to rezone approximately 1.66 acre from Village (V) to Commercial Village (CV) in order to allow for demolition of the existing structure on the property and construction of a new shop. The business will not be expanding, as the employee count will not increase. The property is located 9172 John S. Mosby Highway (Route 50) in Upperville, Marshall District. (PIN #6054-76-4012-000 and 6054-76-2048-000)

Mr. Carr reviewed the staff memorandum, a copy of which is attached to and made part of these official minutes.

Mr. Stone opened the public hearing.

Mr. Marvin Hinchey, representative for the applicant, stated Mr. Bentley (the applicant) would like to keep his business in Upperville and work to improve the site. Mr. Hinchey indicated they would like to move ahead as quickly as possible.

In that there were no further speakers, Mr. Stone closed the public hearing.

Mrs. McCarty stated the Planning Commission hopes to move this application ahead quickly, though more time is necessary for the applicant to work with Staff.

Mrs. McCarty, seconded by Mr. Robison, moved to postpone action for 60 days at the request of the applicant.

The motion carried unanimously.

Mr. Stone announced next month's Planning Commission meeting will be August 25, 2005.

Mr. Stone stated the Board of Supervisors will hold a work session on August 11, 2005 regarding the VDOT Six-Year Improvement Program and County transportation priorities which some or all of the Planning Commissioners will attend.

There being no further business, the meeting adjourned at 7:45 p.m.

A tape recording of the meeting, as well as the associated staff reports and attachments for each agenda item, are retained on file in the Department of Community Development's Planning Office, 10 Hotel Street, Warrenton, Virginia, for a period of one year.